HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO :10280 of 2000

Dated 21st June, 2007

Between

Somagani Chandramouli and anr

…Petitioners

and

The Land Acquisition Officer-cum-Revenue
Divisional Officer, Nalgonda, Nalgonda District

…Respondent.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 10280 of 2000

ORDER:

In this Writ Petition, the petitioners have questioned the proceedings No.E/4607/99, dated 24-7-1999 issued by the respondent rejecting the request of the petitioners for reference under Section 18 of the Land Acquisition Act, 1894.

Totally, an extent of Ac.5.35 cents of land belonging to the petitioners covered by Sy.No. 24 of Singaram Village, Munugode Mandal in Nalgonda District was acquired by issuing notification under Section 4(1) of the Land Acquisition Act, 1894 on 12-1-1999 for the purpose of providing house sites to the weaker section people.

Section 4(1) notification was published in the Nalgonda District Gazettee on 27-1-1999 and the respondent herein was appointed as Land Acquisition Officer for passing award. Ultimately, after obtaining consent of the petitioners, the Land Acquisition Officer had passed Award under Section 11(2) of the Act on 30-6-1999 fixing the market value at Rs.25,000/- per acre. It is stated that the petitioners have received the compensation amount under protest. Thereafter, the petitioners have filed an application on 24-7-1999 under Section 18 of the Land Acquisition Act, 1894 seeking reference to the Civil Court for adjudication with regard to quantum of compensation fixed. By impugned proceedings, the respondent-Land Acquisition Officer had rejected the said application on the ground that the Award was passed under Section 11(2) of the Act and the petitioners have received the compensation.

It is submitted by the learned Counsel for the petitioners that the petitioners did not consent for passing the award fixing the compensation at Rs.25,000/- per acre. It is the case of the petitioners that the respondents had obtained their signatures on papers and same were used for passing the consent award.

Though Writ Petition is of the year 2000, no counter affidavit is filed on behalf of the respondent.

It is not in dispute that consent was given by the petitioners and the award was passed under Section 11(2) of the Act in respect of the subject land. Though it is submitted by the learned Counsel for the petitioners that while obtaining the signatures from the petitioners for

the purpose of consent, the respondents did not disclose full contents in such papers and full information with regard to passing of the award fixing the compensation, but, however, the award was not challenged and it had become final. In that view of the matter, without questioning the award, it is not open for the petitioners to seek reference under Section 18 of the Act when admittedly and undisputedtly award was passed under Section 11(2) of the Act. In that view of the matter, I do not find any merit in the Writ Petition.

The Writ Petition is accordingly dismissed. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 21-6-2007.
Msnr.